

JOURNAL OF THE HOUSE.

Thursday, March 20, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Goodness and Truth, as Christian communities celebrate the religious feast of Easter on Sunday, hearts and minds are filled with joy, faith, tranquility and hope. Many will observe this feast with special sunrise services or regular Sunday Church observances to commemorate the resurrection of Jesus and His Easter message of peace and love. In this era of violence against innocent children and seniors in many lands, teach us to continue to respect the dignity and importance of all individuals. May the spirit and message of Easter, a family day, unite all people in building a peaceful and civil society in which the common good is our top priority.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Canavan of Brockton.

A statement of Mr. Rogers of Norwood concerning Ms. Canavan of Brockton, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Canavan of Brockton, will not be present in the House Chamber for today's sitting due to attending to her father, who is having surgery. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Fallon of Malden.

A statement of Mr. Rogers of Norwood concerning Mr. Fallon of Malden, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fallon of Malden, will not be present in the House Chamber for today's sitting due to emergency hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Kujawski of Webster.

A statement of Mr. Rogers of Norwood concerning Mr. Kujawski of Webster, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kujawski of

Webster, will not be present in the House Chamber for today's sitting due to a previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Reinstein of Revere.

A statement of Mr. Rogers of Norwood concerning Ms. Reinstein of Revere, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Reinstein of Revere, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement of Representative Rogers of Norwood.

A statement of Mr. Rogers of Norwood was spread upon the records of the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Wednesday, March 12, due to a previously scheduled personal commitment. Any roll calls that I may have missed that day was due entirely to the reason stated. If I had been present for yeas and nays Nos. 279, on adoption of Local Aid Resolutions (House, No. 4595), I would have voted in the affirmative.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Peterson of Grafton and other members of the House) congratulating the Department of Conservation and Recreation on its celebration of the seventy-fifth anniversary of the establishment of the Civilian Conservation Corps;

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Brendan Michael Meehan on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Brendan Kenneth Mello on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Peter James Menard on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Moran of Boston) commemorating the one hundredth anniversary of Harvard Business School;

Resolutions (filed by Mr. Nyman of Hanover) congratulating Philip and Betty Joseph on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Eric Lawson of Norfolk upon his elevation to the rank of Eagle Scout;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Michael Quern of Norfolk upon his elevation to the rank of Eagle Scout; and

Kujawski of Webster.

Statement concerning Representative Reinstein of Revere.

Statement of Representative Rogers of Norwood.

Civilian Conservation Corps.

Brendan Michael Meehan.

Brendan Kenneth Mello.

Peter James Menard.

Harvard Business School.

Philip and Betty Joseph.

Eric Lawson.

Michael Quern.

Worcester,

Family Health  
Center.

Resolutions (filed by Messrs. Spellane of Worcester, Binienda of Worcester, Fresolo of Worcester, O'Day of West Boylston and Pedone of Worcester) commending the Family Health Center of Worcester, Inc. for thirty-five years of providing high quality health care in the city of Worcester;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Driscoll of Braintree, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Communication.*

A communication from the Human Resources Division of the Executive Office for Administration and Finance (under Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety fire promotional lists which have been revoked as of March 1, 2008, was placed on file.

#### *Annual Reports.*

##### *Annual report*

Of the Pioneer Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) for the fiscal year 2007; and

Of the Commonwealth Zoological Corporation d/b/a Zoo New England (under the provisions of Section 7 of Chapter 92B of the General Laws) submitting its fiscal year 2007 annual report;

Severally were placed on file.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Order relative to authorizing the committees on Labor and Workforce Development to make an investigation and study of a certain House document concerning height and weight discrimination (House, No. 4569),— and recommending that the same be recommitted to the committees on Labor and Workforce Development. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill pertaining to hazardous materials mitigation (House, No. 728).

By the same member, for the same committee, on a petition, a Bill to provide public input into changes to public lands and buildings located thereon (House, No. 739).

By the same member, for the same committee, on a joint petition, a Bill to prevent the use of the most dangerous pesticides (House, No. 781).

By the same member, for the same committee, on House, Nos. 815 and 817, a Bill establishing a special commission to perform an

investigation and study relative to the long term management and maintenance of the town of Weymouth's oceanfront, Fore River and Back rivers (House, No. 815, changed in line 7, by inserting after the word "Rivers", the words "and Whitman's Pond", and by striking out the paragraph contained in lines 8 to 17, inclusive, and inserting in place thereof the following paragraph:

"The secretary shall report on the commission's findings, together with any legislative recommendations, to the joint committee on Environment, Natural Resources and Agriculture by December 31, 2008. The report may include a non-binding master plan for the future preservation and protection of Weymouth's oceanfront, an area including but not limited to the Fore River and Back Rivers and Whitman's Pond.").

By the same member, for the same committee, on a petition, a Bill establishing a snowmobile educational safety program (House, No. 838).

By the same member, for the same committee, on a petition, a Bill exempting towns from certain fees (House, No. 884, changed in section 1, in line 3, by striking out the words " 'towns and' " and inserting in place thereof the words " 'counties, cities and towns' ").

By Mr. Murphy of Lowell, for the committee on Higher Education, on Senate, Nos. 721, 740 and 743 and House, No. 1191, a Bill establishing an education loan repayment program for social workers and direct care human service workers (House, No. 4914).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to expand recycling in private clubs (House, No. 3851).

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to the assessment of local taxes (House, No. 4119).

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, on House, No. 1894, a Bill relative to blood alcohol testing (House, No. 4915).

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the city known as the town of Watertown to fill by appointment a vacancy in the Board of Trustees of the public library (House, No. 4584) [Local Approval Received].

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill authorizing city of Fall River retirement board to increase the pension payable to Dennis O'Neil (House, No. 3980) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill exempting the position of chief of police in the city of Methuen from the civil service law (House, No. 4461) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing Brian Santarlaschi to take the civil service examination for the position of police officer in the city of Haverhill notwithstanding the maximum age requirement (House, No. 4462) [Local Approval Received].

Civil service  
lists,  
revoke.

Pioneer Valley  
Transit Authority.

Zoo New  
England.

Height and  
weight  
discrimination.

Hazardous  
emergency  
responders.

Parks and  
natural  
lands.

Pesticides.

Weymouth,  
oceanfront  
and rivers.

Snowmobiles,  
safety.

Towns,  
hazardous  
response  
fees.

Loan  
repayment  
program.

Private  
clubs,  
recycle.

Affordable  
housing,  
valuation.

Blood  
alcohol  
testing.

Watertown,  
library  
vacancy.

Fall River,  
Dennis  
O'Neil.

Methuen,  
police chief.

Haverhill, Brian  
Santarlaschi.

Westford,  
special  
police.

Dartmouth,  
deputy police  
chief.

By the same member, for the same committee, on a joint petition, a Bill relative to the Westford police (House, No. 4463) [Local Approval Received].

Hingham,  
deputy  
fire chief.

By the same member, for the same committee, on a joint petition, a Bill exempting the position of deputy chief of police in the town of Dartmouth from the provisions of the civil service law (House, No. 4464) [Local Approval Received].

Route 116,  
scenic  
byway.

By the same member, for the same committee, on a joint petition, a Bill exempting the position of deputy fire chief in the town of Hingham from the the civil service law (House, No. 4496) [Local Approval Received].

Out-of-state  
licenses.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating Route 116 as a scenic byway corridor (House, No. 3550).

Municipal  
vehicles,  
purchase.

By the same member, for the same committee, on a petition, a Bill relative to the use of out of state driver's licenses as identification (House, No. 3555, changed in line 2, by striking out the figures: "2000" and inserting in place thereof the figures: "2006").

Weymouth,  
Route 3A  
corridor.

By the same member, for the same committee, on House, No. 3543, a Bill relative to the purchase of vehicles by cities and towns (House, No. 4916).

Yarmouth,  
Engelhardt Inter-  
change.

By the same member, for the same committee, on House, No. 3584, a Bill relative to the Route 3A corridor in the town of Weymouth (House, No. 4917).

Grafton, Ermak  
Bridge.

By the same member, for the same committee, on House, No. 3665, a Bill designating a certain interchange in the town of Yarmouth as the State Trooper Ellen Engelhardt Interchange (House, No. 4918).

By the same member, for the same committee, on House, No. 4548, a Bill designating a certain bridge in the town of Grafton as the Private Walter Ermak Bridge (House, No. 4919).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Donna L.  
Monfredo,  
sick leave.

#### *Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Donna L. Monfredo, an employee of the Department of Correction (see House, No. 4571), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 40 to 0. Sent to the Senate for concurrence.

Third  
reading  
bill.

#### *Orders of the Day.*

The Senate Bill authorizing the establishment of the Whitin Reservoir Watershed District in the town of Douglas (Senate, No. 2344), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third  
reading

#### House bills

bills.

Authorizing the town of Longmeadow to continue the employment of Police Chief Robert Danio (House, No. 4437); and

Providing for a charter for the town of Groton (House, No. 4490); Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second  
reading  
bills.

#### House bills

Relative to the safe driver insurance plan (House, No. 1802, changed); and

Relative to certain property in the town of Chilmark (House, No. 4559);

Severally were read a second time; and they were ordered to a third reading.

House  
reports.

#### House reports

Of the committee on Economic Development and Emerging Technologies, ought NOT to pass, on the petition (accompanied by bill, House, No. 372) of Kathi-Anne Reinstein relative to prohibiting advertising by pharmaceutical companies; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1288) of Louanne Fucci for legislation to permit the discharging or boarding of students at certain intersections;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2646) of David Paul Linsky and others relative to providing for an appropriation of a certain sum of money for the construction of sound barriers on a section of Route 9 in the town of Natick;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3470) of John Walsh relative to equipment required on vehicles operated by law enforcement officials and certain other agencies;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3552) of Stephen P. LeDuc relative to an investigation and study of the I-495 Interchange on the Turnpike;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3553) of Stephen P. LeDuc for legislation to regulate the establishment of regional transit authorities by cities and towns;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3576) of J. James Marzilli, Jr., relative to the traffic utilization of Route 60 in the town of Arlington and the city of Medford;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3578) of J. James Marzilli, Jr., that the Registry of Motor vehicles be directed to implement an electronic process regulating suspended or revoked motor vehicle licenses;

House  
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3579) of J. James Marzilli, Jr., that the Highway Department be required to evaluate highway lighting and determine possible cost savings of replacing such lighting with lower-wattage full cut off fixtures or eliminating such lighting;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3640) of Thomas M. Stanley and others for legislation to require the sale of Massachusetts Bay Transportation Authority CharlieCards in all cities and towns serviced by said authority;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3642) of Ellen Story and others relative to the requirements for flashing red signal lamps on school buses; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3921) of James B. Eldridge relative to the inspection of rental trucks in the Commonwealth;

Severally were accepted.

Recess.

#### *Recess.*

At twelve minutes after eleven o'clock A.M., on motion of Mr. O'Flaherty of Chelsea (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock noon; and at twenty-four minutes after twelve o'clock the House was called to order with the Speaker in the Chair.

Quorum.

#### *Quorum.*

Mr. Petrolati of Ludlow thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 283.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

#### **[See Yea and Nay No. 283 in Supplement.]**

Therefore a quorum was present.

Resort  
casinos.

#### *Orders of the Day.*

The House report of the committee on Economic Development and Emerging Technologies, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to establishing and regulating resort casinos in the Commonwealth (accompanied by bill, House, No. 4307), was considered.

Pending the question on acceptance of the report, Mr. Rice of Gardner moved that it be amended by substitution of the bill contained in said message (printed in House, No. 4307).

Pending the question on adoption of the amendment, Ms. Balser of Newton moved that the proposed substitute bill be amended by substitution of an Order relative to the appointment of a special committee of the House for the purpose of making an investigation

and study of House document numbered 4307, relative to establishing and regulating resort casinos in the Commonwealth (House, No. 4920).

Point of  
order.

Pending the question on adoption of the further amendment, Mr. Sullivan of Braintree raised a point of order that the further amendment offered by the lady from Newton was improperly before the House for the reason that it went beyond the scope of the pending amendment.

The Speaker stated that the point of order was not well taken.

After remarks on the question on adoption of the further amendment, Mr. Walsh of Boston moved that the subject-matter be recommitted to the committee on Economic Development and Emerging Technologies.

Motion to  
recommit  
negatived,  
yea and nay  
No. 284.

After debate on the motion to recommit, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 41 members voted in the affirmative and 112 in the negative.

#### **[See Yea and Nay No. 284 in Supplement.]**

Quorum.

Therefore the motion to recommit was negatived.

After further debate on the question on adoption of the further amendment (Mrs. Harkins of Needham being in the Chair) Mrs. Allen of Boston asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 285.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 152 members were recorded as being in attendance.

#### **[See Yea and Nay No. 285 in Supplement.]**

Quorum.

Therefore a quorum was present.

After further debate on the question on adoption of the further amendment (Mrs. Harkins of Needham being in the Chair), Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 286.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

#### **[See Yea and Nay No. 286 in Supplement.]**

Therefore a quorum was present.

After further debate on the question on adoption of the further amendment, Mr. Walsh of Boston moved that further consideration of the subject-matter be postponed until Tuesday, April 15.

Motion to  
postpone  
negatived,  
yea and nay  
No. 287.

After debate on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 46 members voted in the affirmative and 108 in the negative.

#### **[See Yea and Nay No. 287 in Supplement.]**

Quorum.

Therefore the motion to postpone was negatived.

Quorum,  
yea and nay  
No. 288.

After further debate on the question on adoption of the further amendment, Mr. Frost of Auburn asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

**[See Yea and Nay No. 288 in Supplement.]**

Therefore a quorum was present.

After further debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Koczera of New Bedford; and on the roll call 106 members voted in the affirmative and 48 in the negative.

**[See Yea and Nay No. 289 in Supplement.]**

Therefore the further amendment was adopted (precluding a vote on the proposed substitute bill).

Subsequently a statement of Mr. Ross of Wrentham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

Subsequently a statement of Mrs. Poirier of North Attleborough was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the affirmative. However, I now find that, for some inexplicable reason, I was recorded in the negative.

Mr. Bosley of North Adams then moved that this vote be reconsidered; and the motion was considered forthwith.

On the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 47 members voted in the affirmative and 107 in the negative.

**[See Yea and Nay No. 290 in Supplement.]**

Therefore the motion to reconsider was negatived.

Subsequently a statement of Mrs. Poirier of North Attleborough was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

The substituted order (House, No. 4920) then was referred, under Rule 85, to the committee on Rules.

*Order.*

Mr. Donato of Medford being in the Chair,—

On motion of Mr. DiMasi of Boston,—

*Ordered,* That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Further  
amendment  
adopted,  
yea and nay  
No. 289.

Statement of  
Representative  
Ross of  
Wrentham.

Statement of  
Representative  
Poirier of  
North  
Attleborough.

Motion to  
reconsider  
negatived,  
yea and nay  
No. 290.

Statement of  
Representative  
Poirier of  
North  
Attleborough.

Next  
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-six minutes before seven o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.